

# O'TOOLE SCRIVO

A LIMITED LIABILITY COMPANY

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September 18, 2024

**VIA ELECTRONIC FILING**

The Honorable Michael A. Hammer, U.S.M.J.  
United States District Court  
District of New Jersey  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

**Re: Rago v. Mercer, et al.**  
**Case No.: 2:23-cv-20749**

Dear Judge Hammer:

This firm was recently retained to represent Defendant John Brown (“Mr. Brown”) in this matter. The undersigned emailed counsel for Plaintiff Al Rago, derivatively on behalf of Tingo Group, Inc. (“Plaintiff”), on September 12, 2024 and September 17, 2024, requesting counsel’s consent to vacate the default entered against Mr. Brown and allow our firm to participate in the conference for the scheduling of motions to dismiss as provided in the Court’s Text Order entered on September 12, 2024. (ECF No. 54). To date, Plaintiff’s counsel has not responded to this request. Accordingly, I respectfully request that default against Mr. Brown be vacated so that we may participate in the upcoming meet and confer to establish the operative complaint and coordinate a uniform briefing schedule for any motions to dismiss.

Thank you for Your Honor’s time and attention to this matter.

Respectfully submitted,

*/s/ Joshua A. Zielinski*

Joshua A. Zielinski

cc: All Counsel of Record (via ECF)  
Young Yu, Esq. and James H. Leckie, Esq.